

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
July 7, 2004**

The City Council/Agency Board of the City of Westminster, California convened on July 7, 2004 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (two potential cases); and
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Agency Designated Representatives: City Manager Vangie Schock and Director of Personnel and Risk Management Pat Corcoran; Employee Organization: Westminster Municipal Employees' Association (WMEA).
- 3) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS: At 7:00 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:11 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Fry

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented a Certificate of Commendation to Rod Vickers from Southern California Edison Company, for conducting an energy audit for the Boys and Girls Club which resulted in an energy rebate for their organization. (115-00)
- B. The Mayor and Council Members presented a Certificate of Congratulations to Vince Petronzio, for being named the 2003 Westminster Chamber of Commerce "Angel of the Year". (115-00)
- C. The Mayor and Council Members presented a Resolution of Recognition to the family of former Westminster Fire Chief, Mel Ingram, who passed away recently. (115-00)

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of June 7, 2004**

ACTION: Approved

ROUTINE MATTERS

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved

- 1.3 Notice of Completion for the installation of the playground equipment at Hoover and Sigler Parks (502-15)**

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

- 1.4 Notice of Completion for the installation of rubber surfacing for the new playground equipment at Hoover and Sigler Parks (502-18)**

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.5 Award of Contract to Galls/Uniform Center for Police Uniforms (502-07)

ACTION: The City Council authorized a purchase order to Galls/Uniform Center in the amount of \$38,000 for the second year option renewal of a three-year contract for police and animal control uniforms for FY 2004-2005.

1.6 Award of Bid for Procurement of Pipeline Materials for FY 2004-2005 (502-03)

ACTION: The City Council approved the award of a renewable supply agreement to the low qualified bidder in the amount of \$45,900.00, to C. Wells Pipeline Materials, for FY 2004-2005; all other bids were rejected; and the City Manager was authorized to execute the agreement.

1.7 Option year renewal for Procurement of Asphalt for FY 2004-2005 (502-22)

ACTION: The City Council authorized renewal of the annual supply contract with Vulcan Materials for an additional option year.

1.8 Award of Bid for the Procurement of Resilient Wedge Valves and Grip Rings for FY 2004-2005 (502-06)

ACTION: The City Council approved the award of a renewable supply agreement to the low qualified bidder in the amount of \$15,000.00 to Ferguson Water Works, for the fiscal year 2004-2005; all other bids were rejected; and the City Manager was authorized to execute the agreement.

1.9 Award of Bid for the Purchase of Wet Barrel Hydrant Heads and Accessories for FY 2004-2005 (502-08)

ACTION: The City Council approved the award of a renewable supply agreement to the low qualified bidder in the amount of \$115,000.00, to Hughes Supply, dba Marden Susco, for the fiscal year 2004-2005; all other bids were rejected; and the City Manager was authorized to execute the agreement.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.10 (City) Resolution No. 3852 – A Resolution of the City Council of the City of Westminster authorizing official signatures on behalf of the City for safekeeping City property and authorizing facsimile signatures for instrument of payment (105-13)

ACTION: The City Council adopted Resolution No. 3852 and waived further reading.

- 1.11 (Agency) Resolution No. 168 – A Resolution of the Westminster Redevelopment Agency authorizing official signatures on behalf of the Agency for safekeeping Agency property and authorizing facsimile signatures for instrument of payment (105-13)**

ACTION: The Agency Board adopted Resolution No. 168 and waived further reading.

- 1.12 Resolution No. 3853 – A Resolution of the City Council of the City of Westminster, rescinding Resolution No. 3849 and providing for a Compensation Plan for Part-time Employees of the City of Westminster (110-02)**

ACTION: The City Council adopted Resolution No. 3853, adding a salary range for the Senior Outreach Worker/Case Worker to the Part Time Salary Resolution, and waived further reading.

ADMINISTRATIVE ITEMS

- 1.13 (Agency) Agreement with the Westminster Chamber of Commerce (502-03)**

ACTION: The Agency Board approved an agreement with the Westminster Chamber of Commerce for Fiscal Year 2004-2005 to provide City promotional services, and authorized the Chair to execute it in the amount of \$26,559.00.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated June 12 through June 25, 2004 (105-09)**

ACTION: Approved

INFORMATION AND REPORTS

- 1.15 Minutes of the Planning Commission meeting held June 9, 2004 (104-11)**

ACTION: Received and filed

- 1.16 Minutes of the Commission on Aging meetings held April 12, 2004 and May 10, 2004 (104-03)**

ACTION: Received and filed

- 1.17 Minutes of the Traffic Commission meeting held June 1, 2004 (104-12)**

ACTION: Received and filed

Motion was made by Council/Agency Member Paris, and seconded by Council/Agency Member Fry, to approve the Consent Calendar. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on June 23, 2004

The Community Development Director reviewed the actions of the Planning Commission meeting of June 23, 2004:

- 1) 6731 Westminster Boulevard (Case No. 2004-25, Modification to C-980) requesting for extension of business hours at an existing restaurant (Pura Vida Costarican Cuisine).

3. PUBLIC HEARINGS

3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-23 (CONDITIONAL USE PERMIT); LOCATION: 15562 BROOKHURST STREET; APPLICANT: MINH T. TRAN (201-00)

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit for the sale of beer and wine for on-site consumption incidental to "Hue Rendezvous", an existing restaurant located at 15562 Brookhurst Street.

Mayor Pro Tem Quach stated he will recuse himself from discussion on this item as he lives within 500 feet of the subject restaurant. He stated for the record that the applicant contacted him prior to submitting his plans; he told the applicant he could not help him with any project in the City of Westminster and referred him to staff. He left the dais.

The Community Development Director stated that the reason the applicant is requesting a license to sell beer and wine at their restaurant is because of the competition.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Michael Ferris, brother-in-law of the owner of the applicant, spoke in favor of granting the Conditional Use Permit.

Council Member Marsh asked the applicant, Minh Tran, if there have been any alcohol violations at the location since she was the tenant, or at any previous business she owned. Ms. Tran said no to both questions.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, expressed concern that there is crime in the area.

REBUTTAL:

Michael Ferris stated that as far as he was aware, there has been no crime near the restaurant except for the second day it was opened, a number of years ago.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Fry, and seconded by Council Member Paris, to uphold the Planning Commission's decision to approve Case No. 2004-23; and adopt Resolution No. 3850 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-23 (Conditional Use Permit) pertaining to the sale of beer and wine for on-site consumption located at 15562 Brookhurst Street," and waive further reading.

Council Member Marsh said that he judges this matter based on the question, is serving alcohol going to exacerbate the problems in the area. He said he does not see an increase in parking. He did not think it would increase crime.

The motion was carried by the following vote:

AYES:	RICE, FRY, MARSH, PARIS
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	QUACH

Mayor Pro Tem Quach returned to the dais.

3.2 CASE 2004-11 ZONE CHANGE/LOT LINE ADJUSTMENT/ CONDITIONAL USE PERMIT/ SITE PLAN REVIEW/ DESIGN REVIEW/ AND CERTIFICATION OF MITIGATED NEGATIVE DECLARATION (MND 04-02); LOCATION: 13621 AND 13631 BEACH BOULEVARD; APPLICANT: VINCENT HO LE, PROPERTY AND BUSINESS OWNER (201-00)

Time set for a public hearing to consider a request for a rezoning of two residential parcels from C1-PD, "Local Business-Planned Development" District to C2-PD, "General Business- Planned Development" District, a Conditional Use Permit to operate a used auto dealership facility, a Site Plan Review, and a Design Review. The proposed auto dealership building includes a two-story office and display building and a 756 square foot one-story light auto servicing building. Proposed hours of operation are from 9 a.m. to 7 p.m. Monday through Sunday.

Council Member Fry stated he will recuse himself from discussion on this item as he lives within 500 feet of the subject business. He left the dais.

The Community Development Director stated that the applicant proposes a used car auto dealership and the applicant said he will off-load the cars using the frontage road along Beach Boulevard. The building has an English design.

Mayor Rice said she received calls about comparison to the Lexus dealership and received questions about the sprinkler system and the loud speaker system. The Community Development Director stated they must conform to the same requirements for all auto dealerships. He noted that the conditional use permit has specific requirements, such as the 8 foot block wall that will be required due to the proximity to residential. The applicant will submit a landscape plan.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Vicent Ho Le, the applicant, said that his Garden Grove used car business is growing, so he wishes to expand by opening a business in Westminster.

Council Member Marsh stated he was concerned about the adequacy of only three parking spaces for visitors. Mr. Le said he believes it will be adequate because the customers for the service bay will be limited due to the fact that the cars he sells mostly have factory warranties and will be taken to other dealers for service. However, he said he would be willing to add more visitor parking spaces if the Council desires.

The Community Development Director noted that the Planning Commission was aware of the parking situation and has a condition regarding the display vehicle stalls being converted at a later date if necessary.

Council Member Marsh asked the Community Development Director if he was comfortable with the amount of visitor parking spaces, to which he responded that he was comfortable with the proposed three spaces.

Mayor Rice stated that she disagreed with three visitor parking spaces being sufficient, and she will vote no on the application.

Chris Ti, brother of the applicant, spoke in support of the proposed dealership.

THE MAYOR ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolte, resident of Westminster, spoke in opposition, citing traffic congestion and pollution. He was also opposed to the City charging the applicant a "water reimbursement fee".

SEEING THERE WAS NO REBUTTAL, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh asked the City Attorney if Condition No. 15 in proposed Resolution No. 3851 is too vague or unenforceable and asked if it needs more clarification.

The City Attorney recommended that a hearing process be spelled out more clearly in Condition No. 15, as follows: "At any time, should staff make the determination that there is inadequate parking on the site, the matter shall be referred to the Planning Commission for deliberation."

Motion was made by Council Member Marsh, and seconded by Council Member Paris, to approve the recommendation of the Planning Commission with an amendment as stated by the City Attorney to Condition No. 15 of Resolution No. 3851, and:

- 1) Certify Mitigated Negative Declaration MND 04-02 with modification to Mitigation Measure No. 5 as recommended by the Planning Commission;
- 2) Adopt Resolution No. 3851, as amended, entitled "A Resolution of the City Council of the City of Westminster approving Case 2004-11, and Mitigated Negative Declaration MND 04-02 pertaining to a Zone Change, Lot Line Adjustment, Conditional Use Permit, Site Plan Review and Design Review for property located at 13621 and 13631 Beach Boulevard; and waive further reading; and
- 3) Introduce Ordinance 2373 entitled "An Ordinance of the City Council of City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning for two parcels of land located at 13621 and 13631 Beach Boulevard, both parcels approximately 750 feet from the intersection of Trask Avenue and Beach Boulevard per Sectional District Map: 2-5-11" and waive further reading.

The motion was carried by the following vote:

AYES: MARSH, PARIS, QUACH
NOES: RICE
ABSENT: NONE
ABSTAIN: FRY

Council Member Fry returned to the dais.

4. **ORAL COMMUNICATIONS**

Darrell Nolta, resident of Westminster, commented on the Centerline rail project and ocean pollution.

Socorro "Coco" Puebla, 7371 Maple Street, spoke regarding the hit-and-run accident which killed a young boy. She requested a guardrail or some sort of barrier along the Edwards Street bridge overpass that goes over the 405 Freeway, or a crossing guard.

Mayor Rice informed Ms. Puebla that the Public Works Director will be alerted to the request and he will contact CalTrans to see if that is possible. Discussion ensued regarding a crossing guard. Mayor Rice stated she did not think a crossing guard would help this situation.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Paris stated that the Fourth of July celebration was outstanding; he announced that the Westminster Boys and Girls Club will hold their golf tournament on August 9th at Seacliff Country Club. He said he would like to see Westminster High School put a gate on the south side of their campus.

Council Member Fry said he would like to see redevelopment funds used to help Westminster High put in a gate. He also commented on the West Nile Virus threat.

Council Member Marsh congratulated his wife on the occasion of their 8th anniversary; he said he would like more assurances from the County of Orange regarding the electronic voting machines; he commented on the Centerline project and commended staff for the Fourth of July event.

Mayor Rice said that the entertainment for the Fourth of July event and the Mayor's Ball was all volunteer. The Mayor's Ball took in \$70,000; those people who donated to the Ball will be recognized at the next Council meeting. She stated that she is pleased with the job the new City Manager is doing.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Relocation of Information Systems (105-12)

Motion was made by Council Member Marsh, and seconded by Council Member Paris, to allocate \$15,500 from Information Systems contingency fund for the relocation of Information Systems to the Community Services building. The motion was carried by a 5-0 vote.

6.2 (Agency) Request for Subordination of approved Agency loan for 76-unit affordable senior apartment project on property at 7521 Wyoming Street (502-08)

Motion was made by Agency Member Paris, and seconded by Agency Member Marsh, to:

1. Make the finding that without subordination of its loan, permanent financing of this project would not be possible; and
2. Approve the Subordination Agreements with:
 - (a) Hoover Housing Partners Limited Partnership, and
 - (b) County of Orange and Hoover Housing Partners Limited Partnership.

The motion was carried by a 5-0 vote.

6.3 Issuance of City Credit Card (106-03)

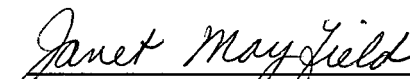
Motion was made by Council Member Fry, and seconded by Council Member Paris, to approve the issuance of one City Visa credit card to be issued in the City Manager's name and authorize the City Treasurer to execute the agreement. The motion was carried by a 5-0 vote.

6.4 Request to reschedule the July 21, 2004 Regular City Council/Agency Meeting to July 28, 2004.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to reschedule the July 21, 2004 regular City Council/Agency meeting to July 28, 2004. The motion was carried by a 5-0 vote.

Mayor Pro Tem Quach requested that the City Manager schedule an item for discussion at the next Council meeting – consideration of a date for the Energy Fair. The City Manager stated it would be agendaized.

7. **WRITTEN COMMUNICATIONS (Public) – None**
8. **LEGISLATIVE ITEMS - None**
9. **COMMISSION AND COMMITTEE ITEMS - None**
10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:35 p.m. Mayor/Agency Chair Rice adjourned the meeting in memory of Mel Ingram, former and first Fire Chief.


Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary